

**Salient Issues
for Regional Administrator and Deputy Regional Administrator
Office of Regional Counsel Division**

Ex. 5 Deliberative Process (DP)

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District Court Vacates EPA's Approval of Trash TMDL for the Anacostia River. On March 30, 2018, Judge John D. Bates of the U.S. District Court in the District of Columbia granted summary judgment to Plaintiff NRDC and vacated EPA's 2010 approval of a total maximum daily load for trash in the Anacostia River, developed jointly by Maryland and the District of Columbia with cooperation from a number of environmental groups (other than NRDC). Judge Bates held that, because the TMDL was expressed as an amount of trash that must be removed or prevented from reaching the river, it was not a "maximum ... load." Recognizing the TMDL's value as an implementation tool, Judge Bates stayed his order of vacatur until such time as the

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EPA approves or establishes a replacement TMDL, but did not identify a date certain or a specific set of steps that EPA must take, instead directing EPA to file a status report. In the interim, he held that the existing TMDL remains in place with legal effect. **Primary Contact: Stefania D. Shamet, (215) 814-2682, Additional Contacts: Kelly Gable, (215) 814-2471, Jennifer Sincock, (215) 814-5766**

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Upcoming Decisions:

None